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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,076	02/27/2004	Yoshizumi Ohta	OHTA4	5481
1444	7590	06/02/2006		EXAMINER
BROWDY AND NEIMARK, P.L.L.C.				PENDLETON, DIONNE
624 NINTH STREET, NW				
SUITE 300			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20001-5303				2615

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/787,076	OHTA, YOSHIZUMI
	Examiner	Art Unit
	Dionne H. Pendleton	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 December 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3 and 6-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3 and 6-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. **Therefore, the at least one “deformed portion” of the cover member, which is inserted in the “concave portion” formed in the frame, i.e., an illustration of the connection of said parts, must be shown or the feature(s) canceled from the claim(s). Also, “deformed portion” must be clearly illustrated and labeled.** No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 6,895,099).**

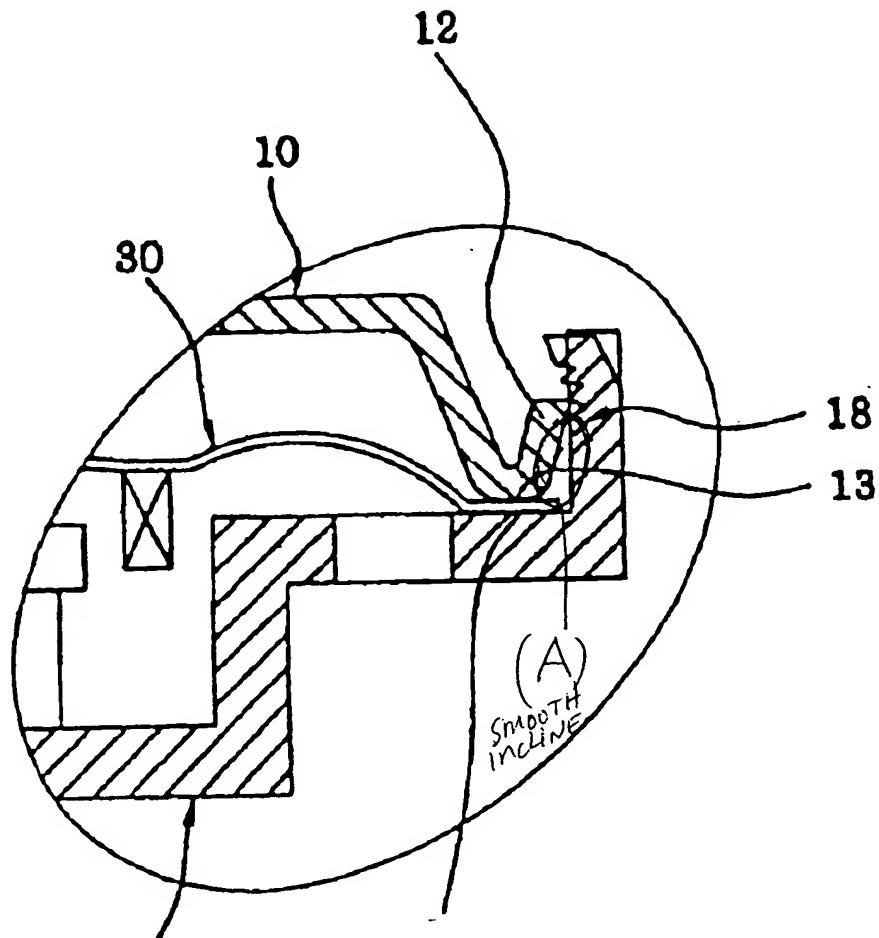
Regarding claim 1, in figure 5, Lee teaches a case for containing an electrical instrument, comprising: a frame 20 with a peripheral wall portion;

A cover member 10 having a peripheral wall portion 12 fitted on the wall portion of the frame 20 and configured to form a space for containing electrical instrument between the frame 20 and the cover member 10;

At least one hole 18 (each serration groove-18 is interpreted as providing “at least one hole” as claimed) provided in the peripheral wall portion of the frame 20, reading on “provided in one of the peripheral wall portions of the frame and the cover member to fix the frame and the cover member; and

A protrusion 12 provided on the peripheral wall portions of the cover member, reading on "provided on the other of the peripheral wall portions of the frame and the cover member for being inserted in said hole",

Wherein the protrusion 12 (see figure, below, provided by the Examiner) has a smoothly inclined surface (A) to guide the protrusion into the hole 18 so that the protrusion 12 is inserted in the hole smoothly to fix the frame 20 and the cover member 10, as claimed.



Regarding claim 2, Lee teaches a vibrating plate 30 fixed to the frame and a magnetic circuit 40, 50, 60 attached on the frame to vibrate the plate.

3. **Claims 7-10** are rejected under 35 U.S.C. 102(e) as being anticipated by **Sugiyama et al. (US 6,513,623)**.

Regarding claim 7, in figure 1, Sugiyama teaches a frame **28** with a peripheral wall portion; a cover member **30** with a peripheral wall portion fitted on the frame **28**, and configured for forming a space for containing the electrical instrument between the frame and cover member;

At least on “hole” in the peripheral wall portions of the cover member **30** (as discussed in column 5, lines 41-44);

Sugiyama illustrates in figure 1, that peripheral portion of the frame member **28** provides a protrusion for inserting within the hole **30b** of the cover member **30**;

In figure 8, Sugiyama teaches that at least one concave portion **28Bd** is formed in the peripheral wall of the frame **28** (also see discussion of cut-away portion **28Bd**, reading on “concave portion” in column 5, lines 57-61), and wherein a portion of the cover member **30** has at least one extended portion **30e** which reads on “deformed portion”, and wherein the deformed portion **30e** is inserted in the concave portion **28Bd** such that the frame **28** and cover **30** are locked.

Regarding claim 8, Lee teaches a vibrating plate **30** fixed to the frame and a magnetic circuit **40,50,60** attached on the frame to vibrate the plate.

Regarding claim 9, in column 5, lines 41-44 Sugiyama teaches a plurality of holes **30b** and therefore a plurality of protrusions **28Ba** for inserting with said holes, said protrusions and holes being spaced peripherally of said frame and cover member as shown in **figure 2**.

Regarding claim 10, Sugiyama teaches a micro-speaker (see **column 4, line 23**) comprising: as shown in **figure 1**, a frame **28**; a sound generator including a vibrating plate **12**, voice coil **16**, yoke **28A**, a magnet **20** fixed to the yoke, and top plate **22** fixed to the magnet; a cover member **30** attached to the frame and protecting the vibrating plate **12**; in **column 5, lines 41-44** teaches that a plurality of holes **30b** are provided in the peripheral wall of the cover member **30**; and figure 1 further illustrates that a plurality of projections **28Ba** are provided on the peripheral wall portion of the frame, wherein the protrusions **28Ba** are inserted into the holes **30B** and the cover member **30** is fixed to the frame **28**;

In **figure 8**, Sugiyama teaches that at least one concave portion **28Bd** is formed in the peripheral wall of the frame **28** (also see *discussion of cut-away portion 28Bd, reading on “concave portion” in column 5, lines 57-61*), and wherein a portion of the cover member **30** has at least one extended portion **30e** which reads on “deformed portion”, and wherein the deformed portion **30e** is inserted in the concave portion **28Bd** such that the frame **28** and cover **30** are locked.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lee (US 6,895,099)** in view of **Azima (US 6,618,487)**.

Regarding claims 3 and 6, Lee teaches a frame (20), sound generator including a vibrating plate (30), voice coil (40), yoke (20), magnet (60) and top plate (50); and a cover member (10).

Lee does not clearly teach that the cover member is fixed on the frame by inserting a *plurality* of protrusions provided on the peripheral wall of the frame, into a plurality of holes provided in the cover member.

In **figure 2**, Azima teaches that cover member (6) may be connected to a lower frame portion (9) via protrusion member (12) provided in the frame (9), which joins with a recess or “hole” (21) which is provided in the cover portion (6); additionally, in **figures 4 and 8**, Azima teaches that a *plurality* of said connections may be provided.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Lee and Azima, providing an alternative means for connecting the cover to the lower frame member, so as to securely join the two parts of the magnetic motor assembly.

Response to Arguments

5. Applicant's arguments filed 12/30/2005 have been fully considered but they are not persuasive. As addressed in the above official Office Action, the **Lee (US 6,895,099)** reference is still held as anticipating the newly added limitation of "a protrusion [having] the smoothly inclined surface to guide easily the protrusion into the hole." The use of **Lee (US 6,895,099)** as prior art is therefore maintained.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne Pendleton whose telephone number is 571-272-7497. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dionne Pendleton



HUYEN LE
PRIMARY EXAMINER